

REMARKS

Claims 2 and 4 to 14 are pending in the application; claims 1 and 3 are canceled; new independent claims 13 and 14 have been added.

Rejection under 35 U.S.C. 103

Claims 1 to 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Russell et al.* and *Vilhuber*.

New claim 13 is submitted that sets forth the steps of the method more precisely:

The method according to the present invention as now claimed comprises:

- a) using a **mobile telecommunication unit carried by a user**, the mobile telecommunication unit having a **user-specific identification code**;
- b) the user making a selection of a product or a service provided by a vendor;
- c) establishing a **supraregional communication link between the user and the vendor by said mobile telecommunication unit** of the user;
- d) transmitting said selection and said identification code to the vendor via said supraregional communication link;
- e) processing said selection and said identification code at the vendor, wherein processing comprises:
 - e1) reserving, based on said selection, the product or service as a reservation;
 - e2) assigning and storing said identification code to said reservation of step e1);
 - e3) feeding said reservation of the step e1) and said identification code assigned to said reservation of the step e2) to an identification verification system;
- f) **retrieving said user-specific identification code** by said identification verification **from the mobile telecommunication unit** via a non-contact short-range communication link when the mobile telecommunication unit enters a predetermined physical short-range communication area of said identification verification system;
- g) **checking said identification code retrieved by said identification**

verification system from the mobile telecommunication unit against said identification code assigned to said reservation:

h) granting the user access to the product or service of said reservation when the retrieved identification code of the mobile telecommunication unit matches the identification code assigned to the reservation.

The features of claim 14 are disclosed on page 4, lines 21-25.

The present invention aims at facilitating automation of sales, e.g. of airplane tickets, public transportation tickets or access/payment at parking garages and leisure facilities. The known systems have disadvantages because usually the physical exchange or transfer of vouchers or coupons, for example, airplane tickets or train/public transportation tickets (e.g. in paper form) are required. Known systems are incompatible with each other and uneconomical because they require a plurality of special devices geared at the individual application so that a user, e.g. a traveler, is required to carry or have issued to him various access authorization means; this is cumbersome and not very user-friendly.

Therefore, the present invention proposes the method as set forth above based on the user's mobile telecommunication unit used as a transmission and also as an identification means.

The invention is based on the simple concept of utilizing already available systems such as a mobile telecommunication unit (e.g. mobile phone) that is already in user's possession and that has a user-specific identification code; due to the user-specific identification code vendors of products or services can use this system also. Accordingly, the user can simply select a product or service of a vendor and transmit his selection as well as the identification code, specific to the user, to the vendor. The vendor then checks availability and makes a reservation of product/service if available by assigning the identification code of the user to the reserved product/service. This reservation information (reserved product/service and identification code) is then transmitted to an identification verification system that is in communication with the vendor. The identification verification system has additionally a short-range communication link or interface that is able to

communicate with the mobile telecommunication unit of the user as soon as the user with his mobile telecommunication unit reaches the communication range of the identification verification system. This can be done preferably automatically. As soon as the identification verification system communicates with the mobile telecommunication unit, the identification code provided on the mobile telecommunications unit is transmitted to the identification verification system by the short-range communication link and the retrieved identification code is then checked against the identification code that is associated with the reserved product/service. When the identification code retrieved from the mobile telecommunication unit matches the identification code associated with the reserved product/service, then access is allowed.

The method according to the invention therefore enables that based on a single identification code and a single mobile telecommunication unit that is already available to the user a variety of products and/or services can be accessed by the user while, at the same time, the vendor is provided with a specific user identification code. Therefore, the vendor is enabled to sell the products and/or services to the specified user. Separate devices or ID cards or other means of identification are no longer needed.

The cited reference *Russell* does not disclose a mobile telecommunication unit owned by the user and provided with a user-specific identification code (step a) of the instant method claim 13). Accordingly, *Russell* cannot make obvious the steps of selecting a product or service and **transmitting the selection and the user-specific identification code** to the vendor by means of a supraregional communication link established by the user's mobile telecommunication unit. Also, *Russell* does not disclose that at the vendor the transmitted information (selection/identification code) is processed as claimed in claim 13.

The secondary reference has been cited by the examiner to show that it is known to store on computers a password as set forth in the "Background of the Invention" section of this reference. But such passwords only enable access to computers where the password is stored; no disclosure in this reference relates to the transmission of a user-specific identification code being transmitted when selecting a product or service from a vendor and reserving the product or service in conjunction with the user-specific

identification code for future retrieval.

It is respectfully submitted that *Russell* discloses an electronic sales system where barcodes by means of laser scanners are scanned and then transmitted to a central facility where the barcodes are checked. For various applications various different barcodes are required. The system of *Russell* serves to provide automation for transactions that are based on conventional telephone network by employing the Internet and applets on Web browsers. The user must scan and transmit the respective barcode of the desired product, or of the desired service, to the vendor.

The method of the present invention differs from *Russell* therefore by method steps of using the mobile telecommunication unit of the user as well as by transmitting the desired selection and the user-specific identification code to the vendor through the supraregional communication link established by the mobile telecommunication unit of the user. The present invention further differs from *Russell* in that the selected product/service and the identification code are processed by the vendor in that the product or service is reserved and the identification code is associated with the selection and stored. The present invention further differs from *Russell* in that the user-specific identification code is retrieved by an identification verification system from the mobile telecommunication unit by non-contact short-range communication links when the user with the mobile telecommunication unit enters a predetermined physical short-range communication area of the identification verification system. No such step is disclosed in *Russell*.

The present invention as claimed in claim 13 has the advantage that a single identification code is sufficient in order to perform various transactions with respect to products and/or services with various vendors. The invention is based on the concept as set forth on page 2, second paragraph, of the instant specification, i.e., the method is easily adaptable to various applications and can be implemented automatically and provides ease of use, i.e. is user-friendly.

The disclosure of *Russell* provides no motivation to develop the disclosed method such that a mobile telecommunication unit of a user is used in order to transmit a selection of desired products/services to a vendor together with an identification code that is then associated with the selection upon reservation and transmitted to an identification

verification system; especially the steps f), g) and h) are not obvious:

- retrieving said identification code from the mobile telecommunication unit via a non-contact short-range communication link when the mobile telecommunication unit enters a predetermined physical short-range communication area of said identification verification system;
- checking the retrieved identification code against said identification code assigned to said reservation;
- granting the user access to the product or service of said reservation when said retrieved identification code retrieved matches said identification code assigned to said reservation.

The method according to *Russell* is limited to providing individual goods and/or services with their own barcode to be scanned by the user, transformed into an electronic form, and transmitted to the vendor. *Russell* does not disclose anything in regard to further method steps following this initial transaction.

Russell discloses in regard to user-specific identification only coding of a magnetic strip for an optional transaction card (see col. 19, line 64, to col. 20, line 8). Therefore, *Russell* cannot provide any teaching as regards the steps involving the user-specific identification code and its transmission and further use in the method as disclosed in instant claim 13.

When looking at the secondary reference, the disclosure of passwords associated with computer access cannot provide a motivation to a person skilled in the art to arrive at the method steps of transmitting the password as an identification code with the selection of the goods/services to a vendor. The validation of connections as disclosed in the secondary reference cannot provide any motivation to use the passwords in connection with sales through a system based on the mobile telecommunication unit of the user.

Reconsideration and withdrawal of the rejection of the claims under 35 USC 103 are respectfully requested.

CONCLUSION

In view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Should the Examiner have any further objections or suggestions, the undersigned would appreciate a phone call or **e-mail** from the examiner to discuss appropriate amendments to place the application into condition for allowance.

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to Patent and Trademark Office deposit account 50-1199.

Respectfully submitted on May 16, 2011,

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